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Compilation on Tuvalu

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. The United Nations country team noted that, during the second universal periodic review, Tuvalu had accepted the recommendation to increase efforts to swiftly ratify fundamental human rights treaties. However, that recommendation had yet to be implemented. The United Nations country team recommended that Tuvalu ratify the remaining major international human rights treaties.[3] The Committee on the Elimination of Discrimination against Women made a similar recommendation.[4] It encouraged Tuvalu to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.[5] The Committee on the Rights of the Child made a similar recommendation and added that Tuvalu should ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.[6]

3. Furthermore, the Committee on the Elimination of Discrimination against Women recommended that Tuvalu consider ratifying the fundamental conventions of the International Labour Organization, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Maternity Protection Convention (Revised), 1952 (No. 103), and the Workers with Family Responsibilities Convention, 1981 (No. 156).[7] The United Nations country team made a similar recommendation.[8]

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4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Tuvalu to ratify the Convention against Discrimination in Education (1960), the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).[9] The United Nations country team made a similar recommendation.[10]

5. The United Nations country team noted that, in 2013, Tuvalu had extended a standing invitation to special procedures to visit the country. It encouraged Tuvalu to engage with mandate holders to explore the possibility of visits.[11]

6. The United Nations country team also noted that Tuvalu had met most of its reporting obligations with relevant treaty bodies. It stated that it remained committed to continue to provide necessary support to Tuvalu, including in the area of capacity enhancement.[12]

7. The United Nations country team reported that the cooperation between the Government of Tuvalu and the United Nations in the Pacific continued to be cordial and strong. It stated that Tuvalu, as a signatory of the United Nations Pacific Strategy 2018–2022, might benefit from technical cooperation and the expertise of the Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP), to further strengthen its engagement with United Nations human rights mechanisms and fulfil its obligations under the international human rights instruments that it had ratified.[13]

III. National human rights framework[14]

8. The United Nations country team reported that, in 2016, Tuvalu had initiated a constitutional review through UNDP-led technical support in order to address a number of issues pertaining to freedom of religion, gender equality, the inclusion of marginalized populations and protection of the environment. That ongoing process might, however, encounter challenges, including sensitivities over political and religious diversity and ensuring broad and meaningful consultation with all Tuvalun citizens who were dispersed among nine islands.[15]

9. Prior to the constitutional review process, the Committee on the Elimination of Discrimination against Women had noted with concern that the Constitution failed to incorporate the principle of equality of women and men and to define and prohibit all forms of discrimination on the grounds of sex or gender, including direct and indirect discrimination, and cover acts by both public and private actors.[16] The Committee on the Rights of the Child had raised similar concern, adding that some discriminatory acts were permitted under the Constitution by the application of laws enacted prior to independence or undertaken during a state of emergency.[17] The Committee was deeply concerned that section 29 of the Constitution stipulated that the exercise of human rights might be restricted if it was deemed divisive, unsettling or offensive to the people or threatened the values and culture of Tuvalu.[18] UNESCO noted with concern that the right to education was not enshrined in the Constitution.[19]

10. The United Nations country team welcomed the adoption in 2016 of the Tuvalu Human Rights National Action Plan 2016–2020, the first of its kind in the Pacific. The National Action Plan captured the existing commitments of Tuvalu under the international human rights treaties to which it was a State party, in the framework of the universal periodic review and the Sustainable Development Goals. The National Action Plan was aimed at consolidating the Government's human rights commitments in ensuring a systematic and coordinated approach to delivery of its commitment and achieving other desired development outcomes in order to strengthen the realization of human rights in Tuvalu. However, the National Action Plan remained silent about the resources or funding required to implement the activities outlined and there was a lack of monitoring of its implementation, despite that role being assigned to the Office of the Ombudsman.[20]

11. The United Nations country team encouraged Tuvalu to consider establishing a national mechanism on reporting and follow-up, with a view to engaging with the United Nations human rights mechanisms in a constructive and systematic manner.[21]

12. The United Nations country team mentioned that Tuvalu had recently passed a bill to establish a national human rights institution. It recommended that Tuvalu expedite the establishment of the institution, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[22] The Committee on the Rights of the Child recommended that Tuvalu establish an independent and effective national human rights institution that was mandated to handle complaints, particularly relating to violations of the rights of the child.[23]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[24]

13. The United Nations country team stated that sex-related discrimination still existed in the Penal Code of 1978, the Marriage Act (Cap. 29), the Falekaupule Act of 1997 and the Labour and Employment Act of 2017. For example, consensual same-sex relations between men were criminalized under the Penal Code with penalties of up to 5 years' imprisonment for "gross indecency", up to 7 years for "unnatural offences and indecent assault" and up to 14 years for "buggery". The United Nations country team encouraged Tuvalu to conduct a comprehensive review of its legislation and policies, with a clear time frame and targets, and to amend or repeal all discriminatory legislation in order to ensure compatibility with the principles of equality and non-discrimination, as enshrined in international human rights law.[25]

2. Development, the environmental, and business and human rights[26]

14. The United Nations country team stated that development priorities could be found in Te Kakeega III — the National Strategy for Sustainable Development 2016–2020 —, a blueprint for the Government's action to improve the quality of life of the people of Tuvalu. Although Te Kakeega III was written in terms of development, most of the aspirations in that key government document were rightly linked to human rights, including the rights to housing, employment, voting and participation in both national and local government. However, the United Nations country team stressed that the Government's action plans were awaiting full implementation.[27]

15. The Committee on the Elimination of Discrimination against Women called for the integration of a gender perspective in all efforts aimed at achieving the Millennium Development Goals and in the post-2015 development framework.[28]

16. The United Nations country team emphasized that Tuvalu, as a small, low-lying island country, was constantly challenged by many competing factors and priorities that could hamper the realization of fundamental human rights. One of the biggest threats faced by Tuvalu was climate change and its adverse impact on the basic rights of Tuvaluans.[29] The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child shared those serious concerns.[30]

17. The United Nations country team recommended that Tuvalu periodically assess the impact of climate change and natural disasters, particularly on the enjoyment of human rights by the poor and low-income population and other social groups, and support them to be more resilient towards such disasters; and develop sector-based plans and programmes that fully integrated climate resilience with a priority focus on biodiversity, education, energy, fisheries, forestry, health, infrastructure, land, water and youth, while ensuring that stakeholders, including target groups, were consulted when designing such interventions.[31]

The Committee on the Elimination of Discrimination against Women recommended that Tuvalu, inter alia, ensure that a gender perspective was integrated into all sustainable development policies, as well as into disaster risk reduction, post-disaster management and climate change policies.[32]

B. Civil and political rights

1. Right to life, liberty and security of person[33]

18. The United Nations country team stated that there were no reports of abuse in the prison system and that detention facilities met minimum standards.[34]

19. The Committee on the Rights of the Child expressed concern that the Constitution and the Penal Code allowed parents and guardians to use corporal punishment to discipline children and that corporal punishment was still widely practised in homes and schools. In that regard, the Committee urged Tuvalu to undertake awareness-raising programmes, including campaigns, about the negative impact of corporal punishment on the psychological development of children, especially concerning their dignity, with a view to changing adult perceptions and societal attitudes towards corporal punishment, and to abolish physical punishment as a criminal sentence by the island courts.[35] The United Nations country team[36] and UNESCO[37] made similar observations. The United Nations country team added that the Tuvalu Human Rights National Action Plan was aimed at amending section 29 of the Education Act to prohibit corporal punishment in schools. The amendment had been made in October 2017 and was awaiting full implementation.[38]

2. Administration of justice, including impunity, and the rule of law[39]

20. The United Nations country team noted that the judiciary was independent and carried out fair trials. However, limited capacity in the prison could mean long waits in the legal system and restricted access to proper counsel.[40]

21. The United Nations country team reported that the Office of the People's Lawyer was the main agency providing legal aid, but it reportedly lacked financial and human resources to reach out to the needy, as well as a comprehensive and effective system for receiving complaints. Furthermore, there was no disaggregated data available on complaints filed by victims, including by sex, nor in relation to their outcomes.[41] It recommended that Tuvalu: (a) strengthen the justice system, including the Office of the People's Lawyer, by enhancing its human, financial and technical resources, deploying judges and legal practitioners to the outer islands, ensuring the provision of free legal aid to women without sufficient means to claim their rights, and continuing to provide adequate funding to the judiciary, including building its resources to allow the judiciary to expand its outreach and services especially on the outer islands; and (b) provide training to the resident and island magistrate on new and existing laws, especially focusing on the Domestic Violence Act and international human rights treaties.[42]

22. The Committee on the Elimination of Discrimination against Women welcomed the fact that the judiciary, in particular the Senior Magistrate and his court, visited the outer islands to hear pending cases. It recommended that Tuvalu establish specific remedies to provide redress for women in the justice system and raise public awareness of the importance of addressing violations of women's rights through judicial remedies. It also recommended that Tuvalu enhance women's awareness of their rights and the means to enforce them, including by strengthening cooperation with civil society organizations, in particular community-based women's associations.[43]

3. Fundamental freedoms and the right to participate in public and political life[44]

23. In addition to the above-mentioned concern about the Constitution, the Committee on the Rights of the Child was deeply concerned that Tuvalu had enacted the Religious Organizations Restriction Act of 2010, which had resulted in the placement of restrictions on the freedom of religion and left the registration of religious organizations to the discretion of the traditional assembly of elders (Falekaupule) on each island. The

Committee was also concerned that in practice freedom of religion was not respected in schools as guaranteed in the legislation.[45]

24. The United Nations country team noted that the Constitution provided for freedom of speech and freedom of the press, and that the Government generally respected those rights in practice. The Tuvalu Media Corporation was a public entity and operated the country's sole radio and television stations, as well as the biweekly newspaper *Tuvalu Echoes*. Human rights groups had reportedly criticized that entity for its limited coverage of politics and human rights issues, but there had been no allegations of censorship or political agendas in reporting according to the United Nations country team. Internet access was largely limited to the capital because of the high cost and connectivity challenges.[46]

25. UNESCO encouraged Tuvalu to begin the process of introducing a freedom of information law in accordance with international standards. It further encouraged Tuvalu to decriminalize defamation.[47]

26. The United Nations country team reported that, in Tuvalu, there were no formal political parties, although no law barred their formation. Candidates typically ran independently and aligned themselves based on geography, tribal loyalties, family ties and personalities. Intense personal and political rivalries frequently prompted new alliances, and no-confidence motions were often used as a tool to oust opponents.[48]

27. The United Nations country team stated that workers had the right to strike, organize unions and choose their own representatives for collective bargaining. With two thirds of the population engaged in subsistence farming and fishing, there was only one registered trade union (for merchant marine workers) — the Tuvalu Overseas Seafarers Union.[49]

28. UNESCO encouraged Tuvalu to fully implement the relevant provisions of the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) that promoted access to and participation in cultural heritage and, as such, were conducive to implementing the right to take part in cultural life.[50]

4. Right to privacy and family life

29. The Committee on the Rights of the Child was concerned that the names of offenders who were under 18 had been published in court proceedings and that the Office of the Attorney General had no policy to prevent publicity and protect the privacy and identity of young offenders.[51]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

30. The United Nations country team reported that, thanks to technical assistance provided by the International Labour Organization Country Office for the Pacific Island Countries, a review of the Employment Act, the Industrial Code and the Trade Unions Act had been undertaken, on the basis of which the Tuvalu Labour and Employment Relations Act had been enacted in November 2017.[52]

31. The United Nations country team stated that around three quarters of the labour force worked in the informal economy, primarily subsistence farming and fishing. Underemployment, particularly of young people on the outer islands, had fuelled the increasing urbanization of Funafuti.[53]

2. Right to an adequate standard of living[54]

32. The United Nations country team noted that Tuvalu was classified as a least developed country, but had met the threshold for graduation based on its human development indicators and high per capita income. Nevertheless, poverty had increased in the previous decade, particularly in urban areas.[55] In that regard, the Committee on the Rights of the Child was concerned at the report that many elderly-headed households with children lived in poverty.[56]

33. The Committee was also concerned that children lived in overcrowded conditions in informal squatter settlements that had developed as a consequence of internal migration from the outer islands to Funafuti, and that they were exposed to higher risks of infectious and waterborne diseases.[57]

34. The United Nations country team stated that one of the key priority areas was urban management, particularly in dealing with land and waste management in the capital city. It also noted that there were no rivers or streams on the islands, and the groundwater supply was brackish and generally not safe for consumption. During periods of drought, water security was a critical health issue in Tuvalu.[58]

3. Right to health

35. The Committee on the Elimination of Discrimination against Women commended Tuvalu for improving access to health care for those on the outer islands by establishing health centres on all those islands with professional health personnel, including trained midwives, and for considerably reducing maternal mortality as a result of improved detection services regarding high-risk pregnancies.[59] However, the Committee was concerned that women, in particular on the outer islands, continued to experience difficulties in gaining access to affordable and adequate health care and, especially, that the health centres on the outer islands were not sufficiently equipped to attend to deliveries in the event of complications.[60] The United Nations country team raised similar concerns.[61]

36. The Committee on the Rights of the Child was concerned that the estimated under-5 mortality rate was still one of the highest in the Pacific region and that 6 in 10 children aged 6 to 69 months and a quarter of women aged 15 to 49 years were anaemic, with urban women twice as likely to be at risk of anaemia compared to rural women.[62]

37. The Committee on the Elimination of Discrimination against Women was concerned that there was a lack of preventive sexual and reproductive health services in Tuvalu, including age-appropriate school education on sexual and reproductive health and rights, and that the use of contraceptives by girls and boys was reportedly very low, resulting in a heightened risk of HIV/AIDS, sexually transmitted diseases and early pregnancy.[63] The Committee on the Rights of the Child raised similar concerns.[64]

38. The United Nations country team reported that it had worked with the Government to improve the capacity of nurses and midwives to deliver quality reproductive health care including emergency obstetrics services, and improve the screening of pregnant women, particularly on the outer islands. However, there was a need to broaden the coverage of such programmes and support so that vulnerable population groups could have access to the services offered.[65]

39. The Committee on the Elimination of Discrimination against Women was concerned that abortion was still criminalized under the Penal Code in cases of rape, incest, risk to the life or health of the pregnant woman or severe fetal impairment and that the prohibition might lead women to seek unsafe, illegal abortions, thereby endangering their life and health.[66]

40. The Committee on the Rights of the Child remained concerned that about 50 per cent of Tuvaluans aged 15 to 19 years were either overweight or obese due to unhealthy eating practices and were therefore at risk of non-communicable diseases. A total of 41.6 per cent of adolescents were reported to consume alcohol despite its prohibition by law.[67]

4. Right to education[68]

41. UNESCO noted that the national legal framework contained limited reference to the right to education. It recommended that Tuvalu adopt more comprehensive legal guarantees on the right to education in order to guarantee that right for all, without discrimination or exclusion.[69]

42. The Committee on the Rights of the Child commended Tuvalu for providing compulsory free education from ages 6 to 16, and for achieving near universal primary enrolment. The attendance rate of 98 per cent for primary school was also commended.[70]

However, the United Nations country team noted that students started dropping out in year 6 (age 10–11), with the majority dropping out in year 8.[71]

43. The Committee on the Rights of the Child remained concerned that extra fees and hidden costs, such as school uniforms, lunch and transportation, kept some children from families in a vulnerable situation from attending school and that the quality of education was deteriorating due to a lack of ongoing training for teachers, and outdated school facilities and teaching materials.[72] UNESCO encouraged Tuvalu to intensify its efforts to implement national priorities in education and to raise the quality of education.[73]

44. The United Nations country team reported that Tuvalu had allocated on average 25 per cent of its total budget to education, exclusive of donor contributions. However, the majority of the education budget had been allocated to salaries, leaving little for operations and school learning materials.[74] UNESCO made a similar observation.[75]

45. The Committee on the Elimination of Discrimination against Women called upon Tuvalu to eliminate traditional stereotypes and structural barriers that might deter girls from enrolling in traditionally male-dominated fields of study, such as science and technology, and step up efforts to provide girls with career counselling on non-traditional career paths.[76] The United Nations country team made a similar call.[77]

46. The Committee was concerned about the inadequate education infrastructure affecting girls in particular, including the lack of basic sanitary facilities, and about the dismissal of pregnant girls from school and the absence of re-entry policies after giving birth.[78] The United Nations country team and UNESCO echoed those concerns.[79]

D. Rights of specific persons or groups

1. Women[80]

47. The Committee on the Elimination of Discrimination against Women was concerned that, although it had been ratified in 1999, the Convention on the Elimination of All Forms of Discrimination against Women had not yet been fully incorporated into the Tuvalu national legal order, especially as international treaties needed to be incorporated into national law before they could be applied by the national courts. It called upon Tuvalu to proceed without delay with the full incorporation of the Convention into its national legal order.[81]

48. The Committee noted with appreciation that the Gender Affairs Department had been moved from the portfolio of the Minister of Home Affairs to that of the Prime Minister and given additional human and financial resources. Nevertheless, the Committee remained concerned that the Department continued to depend heavily on international partners for technical assistance and financial support and lacked the institutional authority, capacity and appropriate resources to effectively monitor and coordinate the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the National Gender Policy.[82]

49. The Committee was also concerned about persisting gender stereotypes, negative traditional values and patriarchal attitudes regarding the roles and responsibilities of women and men in society and in the family, which overemphasized women's roles as mothers and housewives, thereby preventing them from actively participating in all aspects of public life. It urged Tuvalu to adequately integrate principles of non-discrimination and equality of women and men into education policies, the national core curriculum and related documents, as well as into basic and continuing education for teachers and health-care professionals and other service providers.[83]

50. The Committee urged Tuvalu to amend or repeal all discriminatory provisions in the Native Lands Act and the Tuvalu Lands Code to ensure that women had equal rights to land ownership and land inheritance and to eliminate discriminatory customs and traditional practices that affected the full enjoyment of women's land and inheritance rights, including by ensuring that local customary leaders and magistrates in the Lands Court were trained to uphold women's land rights at the community level.[84]

51. The Committee remained concerned that, according to section 20 of the Native Lands Act, the custodial rights of a child born out of wedlock were automatically given to the father, if he accepted paternity, once the child reached 2 years of age.[85]

52. The Committee welcomed, inter alia, the adoption of the Family Protection and Domestic Violence Act of 2014. However, it was concerned about the persistence of violence against women, including domestic violence, and the insufficient information about its extent and prevalence; the fact that such violence appeared to be socially legitimized and accompanied by a culture of silence and impunity, owing to women's reluctance to report cases of violence out of fear of reprisal, stigmatization and inadequate response by the police; and the lack of a comprehensive framework for addressing all forms of violence against women, including domestic and sexual violence. The Committee urged Tuvalu to design and implement legislative and other comprehensive measures to prevent and address all forms of violence against women and girls, including domestic violence and sexual violence; ensure that women and girls who were victims of violence had access to effective means of redress and protection and that perpetrators were prosecuted and punished; and provide mandatory training for judges and prosecutors on the strict application of legal provisions criminalizing violence against women, and train police officers on gender-sensitive procedures to deal with victims of violence.[86] The United Nations country team echoed those concerns.[87]

53. The Committee was concerned about the absence of shelters and the limited availability of medical care, psychosocial counselling and legal assistance for victims of violence. It encouraged Tuvalu to establish shelters for women, including on the outer islands, provide adequate protection and assistance to women who were victims of violence and enhance cooperation with non-governmental organizations, in particular women's organizations, that were providing assistance and rehabilitation services to victims.[88] The United Nations country team raised similar concerns.[89]

54. The Committee was also concerned about the absence of provisions criminalizing marital rape in the Penal Code. It urged Tuvalu to amend the Penal Code and the Family Protection and Domestic Violence Act to define and criminalize marital rape.[90] The United Nations country team expressed similar concerns and added that one of the objectives of the National Human Rights Action Plan was to review the Penal Code to consider expanding the definition of rape to include marital rape and the use of objects and other instruments, and to sanction situations in which men and boys were raped. The objective had yet to be achieved.[91]

55. The Committee noted that, from 2012 to 2014, the number of women holding the position of Assistant Secretary in the Government had increased from 20 per cent to nearly 50 per cent. However, it remained concerned about the stark underrepresentation of women in political and public life, especially at the highest levels of decision-making; in local government, including decision-making bodies (Falekaupule) and island councils (Kaupule); in the judiciary; and in the diplomatic service. The Committee was concerned that systematic barriers, such as negative cultural attitudes, the lack of an adequate quota system, insufficient capacity-building for potential women candidates, limited financial resources and the lack of logistical support, impeded the equal participation of women in political life.[92] The United Nations country team echoed those concerns.[93]

2. Children[94]

56. The Committee on the Rights of the Child recommended that Tuvalu prepare a comprehensive policy on children (0 to 18 years), based on the principles and provisions of the Convention on the Rights of the Child. The Committee also recommended that Tuvalu develop a strategy based on the policy and allocate sufficient human, technical and financial resources for its implementation.[95]

57. The Committee was concerned that awareness-raising programmes on child rights were inconsistent and concentrated mostly on the capital island. It was also concerned that the Convention on the Rights of the Child was perceived by the public as an instrument that diminished parental rights to guide and discipline their children. The Committee stressed the importance of ensuring that all professionals working with and for children, in

particular law enforcement officials, teachers and health professionals, were adequately and systematically trained on the rights of the child.[96]

58. The Committee was further concerned that legislation did not make reference to the best interests of the child and that such interests were not taken into account as a primary consideration at all levels of decision-making affecting children by government institutions, courts, administrative authorities or legislative bodies.[97]

59. The Committee was concerned that not all births were registered in a timely manner and that the registration rate was far lower for children born on the outer islands than for children born on Funafuti.[98]

60. Both the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women remained concerned that the minimum legal age for marriage was 16 years. They urged Tuvalu to raise the minimum age of marriage to 18 years for girls and boys.[99]

61. The Committee on the Rights of the Child noted that Tuvalu had taken some legislative measures to address abuse and neglect of children, including the Police Powers and Duties Act of 2009 and the Family Protection and Domestic Violence Bill. However, it was concerned that the number of reports to the police of domestic violence against children was very low, despite its widespread prevalence in Tuvalu. The Committee was also concerned that no specialized rehabilitative services were available for child victims of abuse and neglect.[100]

62. The Committee noted that some legislative measures had been put in place to address sexual abuse of children. However, it was concerned that there were significant protection gaps, including the fact that legislation did not protect all children below 18 years; sexual assault was considered only in case of penile penetration and other aspects of sexual violence were not recognized as sexual assault; section 156 (5) of the Penal Code permitted a girl aged 15 years and above to be charged with the offence of incest if she was regarded as having consented to the act; sexual offences against boys were not legally recognized and there were no services to respond to the needs of young boys who were victims of sexual crimes; marital rape was not criminalized in law; mandatory prosecution and minimum sentences for sexual assault were lacking and bail was available to those charged with sexual assault; and no specific provisions prohibited child pornography. Furthermore, the Committee was concerned that women and girls were often coerced to accept apologies as an adequate response to resolve acts of violence.[101]

63. The Committee was concerned that the age of criminal liability was 10 years of age and no minimum age was set for the deprivation of liberty; that the Island Courts Act permitted the court to order a parent or guardian to cane a child and that the Penal Code stipulated life imprisonment for child offenders; and that there was no legal text regulating how the police should deal with juvenile offenders. The Committee urged Tuvalu to bring its juvenile justice system into full conformity with the relevant international standards.[102]

64. The United Nations country team stated that it had worked with the Tuvalu Police Force and Attorney General's Office to build understanding of child-sensitive justice procedures. The Attorney General's Office had reportedly been implementing the Child Protection Project funded by UNICEF. However, such capacity-building interventions had yet to yield results.[103]

3. Persons with disabilities[104]

65. While noting that the Tuvalu National Human Rights Action Plan recognized the rights of persons with disabilities and aimed at ensuring their access to health, education and employment, the United Nations country team recommended that Tuvalu domesticate the provisions of the Convention on the Rights of Persons with Disabilities, including through developing comprehensive legislation to advance the rights of persons with disabilities.[105]

66. The Committee on the Rights of the Child remained concerned that there were no comprehensive legislative and policy measures to protect the rights of children with disabilities, nor were there any reliable data or studies to identify children with disabilities

and their special needs, which could lead to policymaking. The Committee was also concerned that there was no system for the early detection of disabilities in children.[106]

4. Migrants, refugees, asylum seekers and internally displaced persons

67. The Committee on the Rights of the Child was concerned about the absence of laws, regulations, policies and programmes concerning children in migration situations in the context of natural disasters. It recommended that Tuvalu enact a law on migration that addressed all the special needs for the protection of children in migration situations.[107]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Tuvalu will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/TVIndex.aspx.
[2] For relevant recommendations, see A/HRC/24/8, paras. 82.1–12, 82.25–28, 84.1–11 and 84.17.
[3] United Nations country team submission for the universal periodic review of Tuvalu, p. 1.
[4] See CEDAW/C/TUV/CO/3-4, para. 42.
[5] Ibid., para. 37.
[6] See CRC/C/TUV/CO/1, paras. 46 and 66.
[7] See CEDAW/C/TUV/CO/3-4, paras. 27–28.
[8] United Nations country team submission, p. 6.
[9] UNESCO submission for the universal periodic review of Tuvalu, pp. 5–6.
[10] United Nations country team submission, p. 6.
[11] Ibid., p. 3.
[12] Ibid., p. 1.
[13] Ibid., p. 3.
[14] For relevant recommendations, see A/HRC/24/8, paras. 82.12–18, 82.22–24, 84.12–16 and 84.21–22.
[15] United Nations country team submission, p. 2.
[16] See CEDAW/C/TUV/CO/3-4, paras. 11–12.
[17] See CRC/C/TUV/CO/1, para. 23.
[18] Ibid., para. 31.
[19] UNESCO submission, p. 1.
[20] United Nations country team submission, p. 2.
[21] Ibid., p. 3.
[22] Ibid.
[23] See CRC/C/TUV/CO/1, paras. 17–18.
[24] For relevant recommendations, see A/HRC/24/8, paras. 84.18–20.
[25] United Nations country team submission, pp. 4–5.
[26] For relevant recommendations, see A/HRC/24/8, paras. 82.19 and 82.67–82.68.
[27] United Nations country team submission, p. 8.
[28] See CEDAW/C/TUV/CO/3-4, para. 39.
[29] United Nations country team submission, p. 12.
[30] See CEDAW/C/TUV/CO/3-4, para. 31; and CRC/C/TUV/CO/1, para. 55.
[31] United Nations country team submission, p. 13.
[32] See CEDAW/C/TUV/CO/3-4, para. 32.
[33] For relevant recommendations, see A/HRC/24/8, paras. 82.53–54 and 84.23–24.
[34] United Nations country team submission, p. 7.
[35] See CRC/C/TUV/CO/1, paras. 35–36.
[36] United Nations country team submission, p. 10.
[37] UNESCO submission, p. 5.
[38] United Nations country team submission, p. 10.
[39] For the relevant recommendation, see A/HRC/24/8, para. 82.55.
[40] United Nations country team submission, p. 7.
[41] Ibid.
[42] Ibid.
[43] See CEDAW/C/TUV/CO/3-4, paras. 15–16.
[44] For relevant recommendations, see A/HRC/24/8, paras. 82.57–58 and 84.25–27.
[45] See CRC/C/TUV/CO/1, para. 31.
[46] Ibid.

[47] UNESCO submission, p. 5.
[48] United Nations country team submission, p. 6.
[49] Ibid.
[50] UNESCO submission, p. 5.
[51] See CRC/C/TUV/CO/1, paras. 33–34.
[52] United Nations country team submission, p. 4.
[53] Ibid., p. 8.
[54] For relevant recommendations, see A/HRC/24/8, paras. 82.59–64.
[55] United Nations country team submission, p. 8.
[56] See CRC/C/TUV/CO/1, para. 57.
[57] Ibid.
[58] United Nations country team submission, p. 9.
[59] See CEDAW/C/TUV/CO/3-4, para. 29.
[60] Ibid., paras. 29–30.
[61] United Nations country team submission, p. 9.
[62] See CRC/C/TUV/CO/1, paras. 49–50.
[63] See CEDAW/C/TUV/CO/3-4, paras. 29–30.
[64] See CRC/C/TUV/CO/1, paras. 51–52.
[65] United Nations country team submission, p. 9.
[66] See CEDAW/C/TUV/CO/3-4, paras. 29–30.
[67] See CRC/C/TUV/CO/1, paras. 51–52.
[68] For the relevant recommendation, see A/HRC/24/8, para. 82.65.
[69] UNESCO submission, p. 3.
[70] See CRC/C/TUV/CO/1, para. 59.
[71] United Nations country team submission, p. 10.
[72] See CRC/C/TUV/CO/1, para. 59.
[73] UNESCO submission, p. 5.
[74] United Nations country team submission, p. 11.
[75] UNESCO submission, pp. 4–5.
[76] See CEDAW/C/TUV/CO/3-4, paras. 25–26.
[77] United Nations country team submission, p. 10.
[78] See CEDAW/C/TUV/CO/3-4, paras. 25–26.
[79] United Nations country team submission, p. 11; UNESCO submission, p. 4.
[80] For relevant recommendations, see A/HRC/24/8, paras. 82.20, 82.29–52 and 82.56.
[81] See CEDAW/C/TUV/CO/3-4, paras. 9–10.
[82] Ibid., para. 17.
[83] Ibid., paras. 19–20.
[84] Ibid., paras. 33–34. See also CRC/C/TUV/CO/1, para. 23.
[85] See CEDAW/C/TUV/CO/3-4, paras. 33–34; and CRC/C/TUV/CO/1, para. 23.
[86] See CEDAW/C/TUV/CO/3-4, paras. 21–22.
[87] United Nations country team submission, p. 5–6.
[88] See CEDAW/C/TUV/CO/3-4, paras. 21–22.
[89] United Nations country team submission, p. 5.
[90] See CEDAW/C/TUV/CO/3-4, paras. 21–22.
[91] United Nations country team submission, p. 5.
[92] See CEDAW/C/TUV/CO/3-4, para. 23.
[93] United Nations country team submission, p. 7.
[94] For the relevant recommendation, see A/HRC/24/8, para. 82.21.
[95] See CRC/C/TUV/CO/1, para. 11.
[96] Ibid., paras. 19–20.
[97] Ibid., para. 25.
[98] Ibid., para. 29.
[99] Ibid., paras. 21–22. See also CEDAW/C/TUV/CO/3-4, paras. 33–34.
[100] See CRC/C/TUV/CO/1, para. 37.
[101] Ibid., paras. 39–41.
[102] Ibid., paras. 62–63.
[103] United Nations country team submission, p. 7.
[104] For the relevant recommendation, see A/HRC/24/8, para. 82.66.
[105] United Nations country team submission, p. 12.
[106] See CRC/C/TUV/CO/1, para. 47.
[107] Ibid., paras. 64–65.